

REMARKS

Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

Each of claims 2, 6, 14, 19, 23, 26, and 31 have been previously cancelled without prejudice or disclaimer.

Each of claims 1, 5, 12, 18, 22, 29, and 35 has been amended for reasons unrelated to patentability, including at least one of: to explicitly present one or more elements implicit in the claim as originally written when viewed in light of the specification thereby not narrowing the scope of the claim, to detect infringement more easily, to enlarge the scope of infringement, to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.), to expedite the issuance of a claim of particular current licensing interest, to target the claim to a party currently interested in licensing certain embodiments, to enlarge the royalty base of the claim, to cover a particular product or person in the marketplace, and/or to target the claim to a particular industry.

Claims 36-42 have been added. Claims 1, 3-5, 7-13, 15-18, 20-22, 24, 25, 27-30, and 32-42 are now pending in this application. Claims 1, 12, 18, 29, and 35 are the independent claims.

I. The Obviousness Rejection

Claims 1-4, 6-16, 18-21, 23-33, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan (U.S. Patent No. 5,790,070) and further in view of Briley (U.S. Patent No. 6,456,610). These rejections are respectfully traversed.

Claims 2, 14, 19, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan (U.S. Patent No. 5,790,070) and Briley (U.S. Patent No. 6,456,610) and further in view of Chen (U.S. Patent No. 4,975,712). These rejections are respectfully traversed.

Claims 5 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan (U.S. Patent No. 5,790,070) and Briley (U.S. Patent No. 6,456,610) in view of Elson (U.S. Patent No. 6,317,100). These rejections are respectfully traversed.

Claims 6, 23, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan (U.S. Patent No. 5,790,070), Briley (U.S. Patent No. 6,456,610), and Chen (U.S. Patent No. 4,975,712) and further in view of Suzuki (Japanese No. JP-03165105). These rejections are respectfully traversed.

Claims 17 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Natarajan (U.S. Patent No. 5,790,070) and Briley (U.S. Patent No. 6,456,610) in view of Hughes (GB No. GB2330734A). These rejections are respectfully traversed.

None of the cited references, either alone or in any combination, establish a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure.” See MPEP § 2143.

To the extent that official notice is taken to support the rejection, Applicants respectfully traverse and request citation and provision of a reference that supports the rejection. See MPEP 2144.03. In particular, Applicant requests citation and provision of a reference supporting the statement “examiner notes that both land-based and spaced-based cellular system are well known in the art and would use similar hardware/software/operations to support communications”. See Office Action page 3.

Natarajan allegedly recites “antennas 26 are high-gain antennas capable of generating and independently steering relatively **narrow pencil beams 28**”. See col. 3, lines 43-45.

Each of independent claims 1, 12, 18, 29, and 35 recite an “**electronic scanning antenna adapted to provide a narrow-angle beam** for transmitting” “communications signals via” the “communications link **and a wide-angle beam for acquiring the communications link**”. Natarajan does not expressly or inherently teach or suggest an “electronic scanning antenna adapted to provide a narrow-angle beam for transmitting” “communications signals via” the “communications link and a wide-angle beam for acquiring the communications link”. None of the cited references overcome the deficiencies of Natarajan.

Thus, even if there were motivation or suggestion to modify or combine the cited references (an assumption with which the applicant respectfully disagrees), and even if there were a reasonable expectation of success in combining or modify the cited references (another assumption with which the applicant respectfully disagrees), the cited references still do not expressly or inherently teach or suggest **every** limitation of the independent claims, and consequently fail to establish a *prima facie* case of obviousness.

Because no *prima facie* rejection of any independent claim has been presented, no *prima facie* rejection of any dependent claim can be properly asserted. Consequently, reconsideration and withdrawal of these rejections is respectfully requested.

CONCLUSION


It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

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